

BOARD OF REGISTERED NURSING
Diversion/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 9.1
DATE: April 18, 2008

ACTION REQUESTED: Information Only: Enforcement Program Update and Statistics

REQUESTED BY: Grace Corse, RN, Chairperson
Diversion/Discipline Committee

BACKGROUND: Attached are the Enforcement Program Statistics for July 2007 through February 2008 (FY 2007-08).

Statistics continue to project that this fiscal year will have a higher number of pleadings filed than any of the five prior fiscal years. The number of disciplinary actions by default decision remains high, at 34.4% and it is noted that the majority of these default decisions are RNs that have California addresses. Every effort is made to ensure that all mailing addresses known to the Board are used to effect service of the decision. Total disciplinary actions are not increasing along with the increase in pleadings filed. However, the number of cases pending at the Attorney General's Office is the highest on record and the program will be setting up a meeting with the AG's office to discuss this issue.

Complaints received are near the highest levels seen in recent years. Based on current workload, the projected number is anticipated to increase, as well.

NEXT STEP: Continue to monitor statistics, with special emphasis on the increasing caseload at the Attorney General's Office. In addition, the Enforcement Program is monitoring caseload and case hour statistics of the Division of Investigation.

**FISCAL IMPLICATIONS,
IF ANY:** None.

PERSON TO CONTACT: Heidi J. Goodman
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BOARD OF REGISTERED NURSING
Agenda Item Summary
Diversion/Discipline Committee Meeting

March 20, 2008

Enforcement Program Manager Update

Elliot Hochberg, Enforcement Program Manager accepted a promotion with the Department of Aging and started his new position on Monday, March 10, 2008. Elliot was with the Board for twelve years and was a vital resource to his staff and management. His knowledge and expertise has assisted the program in numerous ways including his participation on the NCSBN Disciplinary Resources Advisory Panel, the NCSBN Board Investigator and Attorney Workshop, DOI Investigator Workshop, legislation proposals and regulation changes that included the Disciplinary Guidelines. Additionally, he participated in various meetings with the AGs Office and DOI. He was the Board's laureate and participated in many of the office celebrations. Thank you Elliot for all your contributions to the Board, you will be missed.

Enhancements to Division of Investigation Tracking System

The Division of Investigation plans to implement the Case Assignment Tracking Systems (CATS) during the fall of 2008. This new system will permit the boards to submit request for services (RFS) electronically. Several of the Boards Enforcement Program staff had the opportunity to participate in a demonstration of this new system in January 2008.

The enhancements of this CATS system include immediate information on the location and investigator assignment and staff will be able to monitor the status of the investigation, on line. Once this system is implemented, the manual processes that the program has worked with for years will be handled electronically, which will assist the support staff with their varied responsibilities

CALIFORNIA BOARD OF REGISTERED NURSING
ENFORCEMENT STATISTICS
February 29, 2008

						Projected FY	
DESCRIPTION	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08*	2007-08
Complaints Received	2,172	2,993	3,148	3,384	3,361	2,172	3,258
Referred to Diversion Program	342	225	256	311	367	195	293
Investigations Opened	1,314	1,132	2,401	2,312	1,917	1,507	2,261
Referred to Attorney General	302	391	331	562	314	269	404
Cases Pending at Attorney General	577	503	449	670	604	758	NA
Petititons to Revoke Probation Filed	34	30	21	36	44	54	81
Accusations Filed	309	338	216	270	336	278	417
Statements of Issues Filed	20	30	15	22	22	10	15
Total Pleadings	363	398	252	328	402	342	513
Orders to Compel Examination (Sec. 820)	13	8	11	7	5	4	6
Interim Suspension Order	NA	3	4	2	3	0	0
Criminal Actions Filed	25	15	54	11	7	14	21
Licensee Disciplinary Actions:							
(a) Revocation	53	117	102	85	101	78	117
(b) Probation	57	149	137	110	120	68	102
(c) Suspension/Probation	1	2	0	3	6	7	11
(d) License Surrendered	18	49	49	36	67	29	44
(e) Public Reprimand/Reproval	1	12	5	8	9	1	2
(f) Decisions Other	0	0	6	2	3	1	2
Total, Licensee Discipline	130	329	299	244	306	184	276
Total Cite and Fine Citations Issued*	5	17	34	1	17	22	33
Applicant Disciplinary Actions:							
(a) License Denied	3	0	25	10	7	12	18
(b) License Issued on Probation	18	19	15	10	15	5	8
Total, Applicant Discipline	21	19	40	20	22	17	26
Process Used for Discipline (licensees)							
(a) Administrative Hearing	21	58	50	34	44	20	30
(b) Default Decision	42	82	73	63	76	65	98
(c) Stipulation	67	189	176	147	186	99	149
Total	130	329	299	244	306	184	276

*Fiscal Year to Date

**BOARD OF REGISTERED NURSING
Diversion/Discipline Committee
Agenda Item Summary**

AGENDA ITEM: 9.2

DATE: April 18, 2008

ACTION REQUESTED: Information Only: Diversion Program Update and Statistics

REQUESTED BY: Grace Corse, RN, Chairperson
Diversion/Discipline Committee

BACKGROUND: **Program Update**

The Diversion Program Manager and staff attended the Medical Board's Diversion Program Summit on January 21, 2008, since this program will sunset on July 1, 2008. On March 10th Ruth Ann Terry and the program manager were invited to participate in the Senate Business, and Professions and Economic Development Committee hearing on the Review of Physicians and Health Practitioners Substance Abuse Programs. The Committee was interested in how the Diversion Program is managed for the seven boards that have an outside contractor. Ms. Terry's presentation to the Committee outlined the functions and success of our program and emphasized the tools we have in place to ensure public protection.

Contract Update

On February 22, 2008, the Board was notified of the intent to award the next Diversion Program contract to Maximus; however, this intent to award was rescinded as the cost proposal they submitted was unresponsive. The seven Boards met and finalized a new RFP that is to be released on or before March 15th. It is anticipated that the new intent to award will be posted during May, 2008, and it is anticipated that a new contract will be in place by July 1, 2008.

Diversion Evaluation Committees (DEC)

There are currently six vacancies as follows: four physicians, and two registered nurses. Recruitment efforts continue.

Statistics

Attached is the Monthly Statistical Summary Report for December and January. As of January 31, 2008 there were 1289 successful completions in the Diversion Program.

NEXT STEP: None

**FINANCIAL IMPLICATIONS,
IF ANY:** None

PERSON TO CONTACT: Carol Stanford, Manager
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**BOARD OF REGISTERED NURSING
DIVERSION PROGRAM
STATISTICAL SUMMARY
December, 2007 and January, 2008**

	CURRENT MONTHS	YEAR TO DATE (FY)	PROGRAM TO DATE
INTAKES COMPLETED	28	112	3,608
INTAKE INFORMATION			
Female	26	82	2861
Male	2	30	747
Average Age	40 - 49		
Most Common Worksite	Hospital		
Most Common Specialty	Medical/Surgical		
Most Common Substance Abused	Alcohol/Hydrocodone		
PRESENTING PROBLEM AT INTAKE			
Substance Abuse (only)	12	48	2,406
Mental Illness (only)	1	1	134
Dual Diagnosis	16	71	1030
Undetermined	1	1	38
REFERRAL TYPE*			
Self	18	55	2447
Board	10	46	1161
*May change after Intake			
ETHNICITY (IF KNOWN) AT INTAKE			
Asian	0	1	66
African American	0	1	112
Hispanic	0	4	118
Native American	0	0	23
Pacific Islander	0	1	9
Caucasian	28	104	2949
Other	0	0	56
Not Reported	0	1	275
CLOSURES			
Successful Completion	23	63	1289
Failure to Derive Benefit	1	2	92
Failure to Comply	4	16	849
Moved to Another State	1	4	54
Not Accepted by DEC	0	0	33
Voluntary Withdrawal Post-DEC	2	4	261
Voluntary Withdrawal Pre-DEC	3	13	350
Closed Public Risk	1	1	99
No Longer Eligible	0	0	8
Client Expired	0	0	30
TOTAL CLOSURES	35	92	3065
NUMBER OF PARTICIPANTS: 451 (as of January 31, 2008)			

**BOARD OF REGISTERED NURSING
Diversion/Discipline Committee Meeting
Agenda Item Summary**

AGENDA ITEM: 9.3
DATE: April 18, 2008

ACTION REQUESTED: Information Only: Probation Program Update and Statistics

REQUESTED BY: Grace Corse, RN
Diversion/Discipline Committee

BACKGROUND:

Statistics

Below are the current statistics for the Probation Program through February 29, 2008. The statistics for the Probation Program have been revised as they will now include the total number of probationers who have either surrendered their license or had their license revoked for the reporting period. Since July 1, 2005 through the current reporting period there have been 96 probationers who have surrendered their licenses or had their licenses revoked.

MALE	128
FEMALE	316
CHEMICAL DEPENDENCY CASES	239
PRACTICE CASES	140
SOUTHERN CALIFORNIA	219
NORTHERN CALIFORNIA	225
PENDING AT THE AG	76
ADVANCED CERTIFICATES	36
TOTAL IN-STATE PROBATIONERS	444

NEXT STEP: None

**FINANCIAL
IMPLICATIONS:** None

PERSON TO CONTACT: Carol Stanford, Manager
Diversion/Probation Program
(916) 574-7616

BOARD OF REGISTERED NURSING
Diversion/Discipline Committee Meeting
Agenda Item Summary

AGENDA ITEM: 9.4

DATE: April 18, 2008

ACTION REQUESTED: (a) Approve/Not Approve: Diversion Evaluation Committee
Member Appointment

(b) Information Only: Diversion Evaluation Committee
Resignation

REQUESTED BY: Grace Corse, RN, Chairperson
Diversion/Discipline Committee

BACKGROUND:

In accordance with Business and Professions Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees (DEC). Each DEC is composed of three registered nurses, a physician and a public member with expertise in chemical dependency and/or mental health.

a) APPOINTMENT

Below is the name of the candidate who is being recommended for appointment to the DEC. If appointed, his term will expire June 30, 2012.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO.</u>
Forrest Long	Nurse	Oakland	13

b) RESIGNATION

Below is the name of the Diversion Evaluation Committee member who has resigned for personal reasons.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO.</u>
Virginia Robertson	Nurse	Palm Springs	6

NEXT STEP: Continue recruiting efforts

**FINANCIAL
IMPLICATIONS:** None

PERSON TO CONTACT: Carol Stanford, Manager
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